IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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ORDER

S.B. CIVIL WRIT PETITION NO.5289/2005-SURENDERA KUMAR VYAS VS. STATE OF RAJASTHAN & ORS.

WRIT PETITOIN UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER : 20th November, 2006

PRESENT
HON'BLE MR.MOHAMMAD RAFIQ,J.

Mr.I.R. Choudhary, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Government Advocate, for the respondents.

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BY THE COURT: -

The petitioner has challenged the order dated 2nd Sept., 2005 whereby his earlier transfer order dated 7th July, 2005 was cancelled although in the meantime he had joined as Vikas Adhikari, Panchayat Samiti Mandore, Jodhpur on 14th July, 2005 pursuant to the aforesaid order dated 7.7.2005.

This Court vide its order dated 8th Sept., 2005 had directed the parties to maintain the status-quo as it existed on that date. Learned counsel for the parties did not dispute that pursuant to aforesaid status-quo order, the petitioner is still continues to work as Vikas Adhikari at Panchayat Samiti Mandore, Jodhpur.

Learned counsel for the petitioner cited two judgments of this Court in Gangaram Bishnoi Vs. State & Ors reported inWLR 1994 Raj 537 and Narpat Singh Rajpurohit VS. State of Rajasthan reported in WLR 1991 (S) Raj. 136 in which it was held by this Court that once an order of transfer has been executed and implemented it should not be cancelled although the respondents could pass fresh order of transfer transferring the employee if it was considered necessary in the exigency of administration.

In the present case too, it would be appropriate to follow the same order particularly when the petitioner is still continuing as Vikas Adhikari, Panchayat Samiti, Mandore,

Jodhpur having joined there pursuant to order of transfer dated 7.7.2005 and the order of transfer having been acted upon by transferee.

Accordingly, the writ petition is allowed. The order dated 2nd Sept., 2005 cancelling the order dated 7.7.2005 is quashed and set aside. Although at the same time, it is clarified that the respondents would be at liberty to transfer the petitioner afresh if it is considered necessary to do so in the exigencies of administration.

There shall be no order as to costs.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-